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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3681 OF 2007

| Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders: | Court's or Judge's orders |
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Mr.B.A. Ahoor for the applicant.

Mr.U.V. Nikam, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 27TH NOVEMBER 2007

**P.C.** :

1. This application is under section 439 of Cr.P.C. for grant of bail in connection with the crime bearing C.R. No.3293/2007 punishable under sections 8(C), 22 and 29 of the N.D.P.S. Act registered at Yerwada Police Station.

2. Learned counsel for the applicant submits that the quantity of Gard found with the applicant was less than the commmercial quantity. However, no material has been produced on record to show that the applicant was in possession of the Gard of less than commercial quantity. Learned A.P.P. for the State

submitted that the Gard found was more than the commercial quantity. The learned Sessions Judge in his order dated 16th October 2007 has held that the Gard found with the applicant was not below the commercial quantity. In the circumstances, the applicant cannot be granted bail in view of section 37 of the N.D.P.S. Act.

3. Learned counsel for the applicant submitted that the father of the applicant is seriously ill and, therefore, bail should be granted. No material has been produced before me to show that the father of the applicant is seriously ill and, therefore, the presence of the applicant is needed either for his treatment or any other reason. Learned counsel for the applicant further submitted that the applicant is also ill and suffers from diabetes. No material has been produced on record to show that diabetes has developed any complication which would release the applicant on bail. Diabetes is not a kind of ailment, in the ordinary course, would require release of the

applicant on bail.

4. In the circumstances, the application for bail is rejected.

(D.G. KARNIK, J.)